

Serial No. 10/771,912  
Reply to Office Action of June 27, 2006

### REMARKS

Responsive to the Office Action mailed June 27, 2006, Applicant has studied the Examiner's comments and the cited art. Claims 1–25 are currently pending; after entry of this amendment, claims 1–25 remain pending. In view of the following remarks, Applicant respectfully submits that the application is in condition for allowance.

#### Claim Rejections Under 35 U.S.C. § 102

Claims 1–2, 4, and 9–25 are rejected under 35 U.S.C. § 102(b) as being anticipated by Quinn, U.S. Patent Publication No. 2003/0097099 A1. Applicant respectfully traverses the rejections.

With respect to independent claims 1 and 19, the catheter of Quinn fails to disclose "a second generally longitudinal wall structure forming a second lumen formed interiorly to the first lumen of a second elastomeric material, the second elastomeric material being relatively less compressible than the first elastomeric material." Although the catheter of Quinn in some embodiments recites a triple lumen tube, all of the lumens are formed of the same material. Therefore, whichever lumen of Quinn is considered to be the "second lumen" is not formed of a second elastomeric material, much less one that is "relatively less compressible than the first elastomeric material."

Quinn also fails to recite the first lumen being formed of a first elastomeric material that is "a first relatively soft elastomeric material to allow some compression to conform to body passages" (Claim 1) or "a first relatively soft elastomeric material to allow some compression to conform to body passages" (Claim 19).

Quinn also fails to recite that the third lumen is "in fluid communication with the second lumen" (Claim 1).

Therefore the catheter of Quinn fails to recite all of the elements of Applicant's claimed subject matter and cannot anticipate claims 1 and 19. For at least these reasons, Applicant respectfully requests withdrawal of the rejections.

Claims 2–18 and 20–25 depend from allowable independent claims 1 and 19 respectively and are therefore also allowable. For at least this reason, Applicant respectfully requests withdrawal of the rejections.

#### Claim Rejections Under 35 U.S.C. § 103(a)

Claim 3 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Quinn, U.S. Patent Publication No. 2003/0097099 A1, in view of Nelson, U.S. Patent 5,318,530. Applicant respectfully traverses the rejection.

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Claim 3 depends from allowable claim 1 and is therefore also allowable. For at least this reason, Applicant respectfully requests withdrawal of the rejections.

Claims 5–8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Quinn, U.S. Patent Publication No. 2003/0097099 A1, in view of Russo, U.S. Patent 4,769,014. Applicant respectfully traverses the rejections.

Claims 5–8 depend from allowable independent claim 1 and are therefore also allowable. For at least this reason, Applicant respectfully requests withdrawal of the rejections.

**CONCLUSION**

Applicant respectfully submits that all issues and rejections have been adequately addressed, that all claims are allowable, and that the case should be advanced to issuance.

If the Examiner has any questions or wishes to discuss the claims, Applicant encourages the Examiner to call the undersigned at the telephone number indicated below.

Respectfully submitted,



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